

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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In the Matter of JAYME JOSEPH FERGUSON,  
DEV'AN DESHAWN JURALBAL, and SAPPHIRE  
MARIE JURALBAL, Minors.

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FAMILY INDEPENDENCE AGENCY,

Petitioner - Appellee,

v

ANNE MARIE JURALBAL a/k/a ANNIE MARIE  
JURALBAL,

Respondent - Appellant,

and

JOSEPH WINSTON FERGUSON,

Respondent.

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UNPUBLISHED

September 19, 2000

No. 221377

Wayne Circuit Court

Juvenile Division

LC No. 97-360343

Before: Gribbs, P.J., and Neff and O'Connell, JJ.

**MEMORANDUM.**

Respondent-appellant appeals as of right from the family court's order terminating her parental rights to the minor children under MCL 712A.19b(3)(a)(ii), (c)(i), (g), and (j); MSA 27.3178(598.19b)(3)(a)(ii), (c)(i), (g), and (j). We affirm.

Respondent argues that her trial attorney denied her effective assistance of counsel. According to respondent, her attorney allowed her case to proceed before a referee who was biased against her and who was predisposed to terminate her parental rights. However, respondent has failed to demonstrate actual bias. See *Cain v Dep't of Corrections*, 451 Mich 470, 495; 548 NW2d 210 (1996). We cannot conclude that the referee in this case was biased against respondent simply because he previously conducted proceedings involving respondent when she herself was a court ward. See *In*

*re Schmeltzer*, 175 Mich App 666, 673-674; 438 NW2d 866 (1989). Further, our review of the lower court record does not support respondent's contention that the trial referee was "obviously" predisposed to terminate her parental rights. Thus, a motion to disqualify the referee would have been without merit. Respondent's counsel was not required to bring a meritless motion. *People v Darden*, 230 Mich App 597, 605; 585 NW2d 27 (1998).

Based on the foregoing, respondent has failed to show that counsel's performance fell below an objective standard of reasonableness. *People v Pickens*, 446 Mich 298, 302-303; 521 NW2d 797 (1994). Further, because respondent does not allege that the lower court record lacked clear and convincing evidence to support the termination of her parental rights, she has failed to demonstrate that the result of the proceedings would have been different even if the referee had been disqualified. *People v Stanaway*, 446 Mich 643, 687-688; 521 NW2d 557 (1994).

Affirmed.

/s/ Roman S. Gibbs  
/s/ Janet T. Neff  
/s/ Peter D. O'Connell